

U. S. WEATHER BUREAU, DECEMBER 29—  
Last 24 hours' rainfall, 0; Temperature, max. 75,  
min. 68; Weather, cloudy and cool.

SUGAR—96° Test Centrifugals, 4.65; Per Ton,  
\$93. 88 Analysis Beets, 14s 4d, Per Ton \$102.15.

Established July 2, 1856.

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HONOLULU, HAWAII TERRITORY, FRIDAY, DECEMBER 30, 1904.

PRICE FIVE CENTS.

## GOVERNOR AIMS BODY BLOW AT LIQUOR TRAFFIC

**Notifies Macfarlane & Co. That He  
Does Not Think He Will Be Justified  
In Renewing Their License.**

Governor Carter has taken the bull by the horns in the matter of dealing with illicit liquor traffic, and, because it has been shown to him that the firm of Macfarlane & Co. has been largely engaged in the sale of liquor to clubs and others who sell without license in defiance to the laws of the Territory, he has notified Macfarlane & Co. that he does not think he will be justified in renewing their license.

The Governor has likewise refused to issue a license to the Kau Wine Co., thereby shutting off a section of sixty miles along the coast of the big island from the liquor traffic. This has been done because there has grown up there a condition whereby there is a large illicit traffic in liquor, and the government police have heretofore seemed to be unable to cope with the evil or at least have not coped with it. If the police cannot stop the illicit sale, then the executive will lend all the aid that lies in his power by seeing that no liquor shall be taken into the district to be sold under the law. Now, it will follow that any liquor taken in there must be for illicit purposes—and, knowing the liquor to have been landed, the police should be able to trace it.

The liquor consumed and sold and handled by the Kau Wine Company is all landed at the port of Honoipu. Heretofore this liquor has been landed openly, as the Kau Wine Company had a dealer's license, but after it has passed to the dealer, the police have seemed strangely unable to follow it up. This failure is the more strange because, after the police had failed, an officer of the internal revenue went right into the same district and sold thirteen stamps at places, clubs, native houses and what not, under the provisions of which stamps the United States authorized the sale of liquors without interference from itself.

Facing this condition, it was at first thought that it might be well to grant a regular saloon license there, to stop the illicit sale, but many planters in the district united in opposition to this. The alternative remains of shutting off the sale altogether, and that is the course that has been taken. It will be seen, now, whether the illicit business will be stopped.

The Kau Wine Company has received the bulk of its supplies from Peacock & Co.

## PACIFIC CLUB ATTORNEYS FIRE THEIR FIRST GUN

**Brief Claiming That Territorial Officials Passed  
On the Right to Sell Liquor Without  
License a Long Time Ago.**

The brief of United States District Attorney Breckons, W. A. Whitney, R. A. Wilder and W. L. Stanley, attorneys for the Pacific Club in the agreed proceeding to test the right of the club to sell liquor to its members without paying a regular liquor license, has been filed with District Magistrate Whitney. After a long recital of the law governing the issuance of licenses, the attorneys say: "It appears to be a well settled rule that the contemporaneous construction of a statute by those who are charged with its execution, especially when it has long prevailed, is entitled to great weight and should not be disregarded or overturned except for cogent reasons and unless it be clear that such construction is erroneous." "Under the agreed statement of facts in this case, it appears that the Pacific Club has, for a great many years, supplied spirituous liquors to its members. It appears that in 1901 the method of supplying such liquor was changed, but the court will readily see that the change was not one affecting the legality or illegality of the act of the club. It further appears that during these years the club numbered amongst its members most of the high officials of the Republic and of the Territory. While the Republic was in existence, Judge Dole, the President, and the officer charged with the execution of the laws, was a member of the club and fully cognizant of the fact that liquor was being supplied to its mem-

bers. When, therefore, he took no steps to require the club to pay a license fee or to punish it for so supplying liquors, he construed the law to mean that no such license was required. "The same may be said of Attorney General W. O. Smith, of High Sheriff Brown and of Governor George R. Carter. The agreed statement of facts goes further than this, since it shows that many members of the legislature were likewise members of the club. With full knowledge that liquor was being supplied to members, these members of the legislature permitted the law to remain as it was." Mr. Breckons then quotes a decision of the New York Court of Appeals in the Adelphi club case, as follows: "In this connection the construction placed upon a statute penal in character by public officials charged with the duty of executing its provisions for many years, may properly be considered in determining the legislative intent." The brief then continues: "Applying the language of this opinion to the case at bar, we ask, was it intended that the distribution of liquors by the Pacific Club amongst its members should be a sale or a business within the contemplation of the statute? We answer, it so, Judge Dole, Attorney General Smith, Governor Carter, High Sheriff Brown, and many other officers, including judges of the Supreme Court and members of the legislature, have neglected their official duties. "In view of the construction so placed on the statute by high officials of the Territory and of the Republic, and in

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## COL. LAUKEA BEGINS HIS CONTEST IN WASHINGTON

The seat of Kuhio in Congress has been contested. Nothing was said about it when the papers were sent forward for service, which was on December 10. The papers must have been received about the 21st. They were served personally and by mail, also here at Kuhio's residence and place of business, the procedure being well within the 30-day limit. Following is a copy of the notice served:

Before the 59th Congress of the House of Representatives of the United States of America.  
Curtis P. Laukea vs. Jonah K. Kalaniano'le—Notice of Contest of Election.  
To Jonah K. Kalaniano'le, Esq.  
Sir: You are hereby notified that at the general election held on the eighth day of November, A. D. 1904, at and within the Territory of Hawaii, at which said election you were a candidate for the office of delegate to the 59th Congress of the House of Representatives of the United States of America, I was a duly qualified candidate for the same office, and one Charles K. Nottley was also a candidate at said election for said office.

You are further notified that afterwards, to wit: on the 29th day of November, 1904, the canvassing board as required by law declared the result of said election, announcing that there had been cast 11,990 votes for said office, and that of these, 6833 had been counted for you, and 2888 for me, and 2289 for Nottley, and that you had received the greatest number of votes and had been elected to said office; (Continued on Page 2)

## Dr. Lyman Abbott Creates Sen- sation In Religious Circles.

NEW YORK, Dec. 19.—Has Rev. Dr. Lyman Abbott broken away from the Christian theology? is the question clergymen of every denomination were asking today. In making his views known to Harvard students yesterday Dr. Abbott confessed that he expected to be branded a heretic.

"I wonder if you students in Harvard will understand me when I say that I no longer believe in a great first cause?" said Dr. Abbott. "My God is a great and ever-present force, which is manifest in all the activities of man and all the workings of nature. I believe in a God who is in and through and of everything; not an absentee God, whom we have to reach through a bible or priest or some other outside aid, but a God who is closer to us than hands or feet."

## OAHU MEN WILL CAUCUS

**Street Politicians Begin-  
ning to Talk About  
Speakership.**

The Oahu members of the legislature, and any other members who may be in Honolulu at the time, will meet in caucus at Republican headquarters, on Fort street this evening at 8 o'clock. The same matters that were taken up at the last caucus meeting will be considered, namely the proposed county government bill and the matter of keeping the pledges of the party made before election so far as the reduction of taxes and other reform legislation is concerned. So far as the Speakership and the organization of the two branches of the legislature is concerned, that will in all probability be ignored at tonight's meeting, as it was at the last. Nevertheless, it is a matter in which the public is beginning to take most decided interest as the date for the meeting of the legislature draws closer. It is the general belief of the Honolulu wise guys and the geographical politicians, that there is small chance of the election of Mr. Knudsen of Kauai to the speakership, although the Garden Island statesman may have some difficulty in seeing it that way. In fact, the way that it is cast up now, it is difficult to see where Knudsen will get any support excepting from Kauai. Holstein of Hawaii, it is believed, will get the eight votes of Hawaii, and perhaps two from Maui. Carlos Long of Oahu will get enough of the balance of the Maui vote and enough from Oahu to give him ten, also. Then the question arises, can Knudsen hold the other Oahu men? It is not believed by those in the know that he can for very long. It is this belief in the prospective weakness of Knudsen that lends strength to the candidacy of W. W. Harris, for whom it is probably true that either the Long or Holstein men would go rather than to either of the others. And so the situation stands. None of the really aggressive candidates in the field is strong enough to get the plum. Harris is known as a fair man, who would deal justly with all parties, and at present has the good will of all.

## OVERLOOKS COMMITTEE

**Chairman Robertson  
Whole Thing In  
Correspondence.**

So far as the Republican Territorial Executive Committee is concerned, that body has no official knowledge that it has been in correspondence with Governor Carter relative to the presence of office-holders in positions of party control. And thereby hangs a state of facts that is likely to have results not comfortable for the faction of the malcontents, and perhaps especially for Mr. Alex. Robertson, chairman of the Executive Committee. For the whole town knows that Governor Carter has been in correspondence with the committee. The correspondence, in fact, has been in a measure carried on through the newspapers. And yet, other than as component parts of the great public, the members of the committee do not know anything whatever about it. The correspondence has not been shown to the committeemen, as committeemen. They have had no meeting to consider any letter from the Governor, nor have they been called together to frame any reply to be sent to any letter from the Governor. In fact, the Governor's letter was addressed to Mr. Robertson as chairman of the Territorial Committee. Mr. Robertson gave the letter to the newspapers, the Governor refusing to give it out without the consent of the gentleman to whom it was addressed. To that letter, addressed to him as chairman of the committee, Mr. Robertson replied, signing himself, according to the published copies, as Chairman of the Committee, and that letter was likewise published. And all this without a meeting of the committee, and without official notification to the members of the committee that such a correspondence was proceeding. Upon all of which events there is muttering among the committeemen in derogation of the course which the chairman has seen fit to pursue. "Why," said an aggrieved member of the Central Committee yesterday, "it is not even treating us with com-

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## JAPAN'S SHIPS ARE OFF JAVA

**The Admirals In Tokio--Spoils of  
Rihlung Fort --- Stoessel's Main  
Line of Defence Unbroken.**

(ASSOCIATED PRESS CABLEGRAMS.)

BATAVIA, Java, Dec. 30.—Japanese warships have passed Anjer on their way south.

TOKIO WELCOMES ADMIRALS.

TOKIO, Dec. 30.—Admirals Togo and Kamimura are being enthusiastically received. The city is en-fete.

FORTY-THREE GUNS TAKEN.

TOKIO, Dec. 30.—Forty-three guns were captured with Rihlungshan.

THE RUSSIAN VERSION.

ST. PETERSBURG, Dec. 30.—The capture of Rihlungshan only gives the Japanese control of the terrace beyond the principal forts on Keekwan hill, leaving the main line of Russian defences unbroken.

FIGHTING EUROPE'S BATTLES.

BERLIN, Dec. 3.—The conviction prevailing in the highest Governmental quarters that Russia is fighting for all of Europe in the present war is increasing in strength and affecting Germany's attitude towards the belligerents so that her friendliness towards Russia and her coolness towards Japan grows with every Russian reverse. The Government, the Associated Press is informed, has correspondence from China showing that hundreds of Japanese agents are penetrating into every part of the Chinese Empire distributing tracts and disseminating the idea that Asia should be for the Asiatics, that no European power has rights in its territory or in the trade of the East, and that Japan is fighting for all Asia in forcing Russia back. An opinion amounting to a certainty holds the minds of those directing Germany's policy, that the Boxer uprising or similar popular movements against the foreigners in China will be led by the Japanese who are laying the foundation for a vast Oriental Empire that might reach to the Urals.

AFTERNOON REPORT.

MOSCOW, Dec. 29.—The Japanese are accused of enlisting Chinese to fight against Russia.

TOKIO, Dec. 29.—The Japanese lost heavily in effecting the capture of the Rihlung fort, 1,000 men being lost. The garrison of 500 Russians escaped. The advance of the attacking force of Port Arthur is now close to the Liaoti mountain.

WASHINGTON, December 29th, 1904.

To the Japanese Consul-General, Honolulu:  
Our Port Arthur beleaguering army reports as follows: "The left and center of our army at 10 a. m. on Wednesday blew up the parapet in front of the Ulungshan fort, then occupied the parapet by assault and constructed defensive works. Under the cover of our heavy guns and field guns and despite the enemy's fire, at 4 p. m. we assaulted and occupied the enemy's line of heavy guns in the interior; thereupon we proceeded to the gorge (?) of the fort, whence the enemy eventually dislodged after stout resistance, and thus the whole fort of Ulungshan fell into our hands at 7:30 p. m."

TAKAHIRA.

## GOV. CARTER'S REPORT.

WASHINGTON, Dec. 30.—Hawaiian Governor Carter's report urges an amendment to the Exclusion law to provide more Chinese laborers for the Territory; also the removal of restrictions upon the leasing of agricultural lands and suggests the organization of the islands into counties and municipalities.

## OUTBREAK AT FOLSOM.

SACRAMENTO, Dec. 30.—Another outbreak has occurred at Folsom. Three prisoners have been killed, three fatally wounded and one guard hurt.

## ADDICKS ONCE MORE.

DOVER, Del., Dec. 30.—Owing to a faction fight the Legislature is unable to organize.

## DEPEW THE VICTOR.

NEW YORK, Dec. 30.—Senator Depew will be re-elected.